

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-03-0524 WBS EFB

vs.

MICHAEL ANTHONY BLACK,

Movant.

ORDER

Movant, a federal prisoner proceeding without counsel, has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255.<sup>1</sup> He has also filed a motion to compel specific performance of a plea agreement, asking that the court “recharacterize his ‘Motion for Habeas Relief Under 28 U.S.C. § 2255 . . . ,’ as an action to resuscitate and enforce his procedurally tainted plea bargain and agreement,” and citing *Santobello v. New York*, 404 U.S. 257, 262 (1971). The court construes these documents together to constitute a motion under 28 U.S.C. § 2255.

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<sup>1</sup> Although the motion is not signed, the accompanying proof of service is signed.

1 Since movant may be entitled to the requested relief, respondent is directed to file an  
2 answer, motion or other response within thirty days of the effective date of this order. *See* Rule  
3 4(b), Rules Governing Section 2255 Proceedings. Respondent shall include with an answer any  
4 and all transcripts or other documents relevant to the determination of the issues presented in the  
5 motion. Rule 5, Rules Governing Section 2255 Proceedings. Movant's reply, if any, is due on or  
6 before thirty days from the date respondent's answer is filed. *Id.*

7 The Clerk of the Court shall serve a copy of this order, together with a copy of movant's  
8 May 7, 2010 motion and September 17, 2010 motion on the United States Attorney or his  
9 authorized representative.

10 So ordered.

11 Dated: January 4, 2011.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE